

REMARKS

In an Office Action dated November 16, 2006, the Examiner rejects claims 1-44 (all pending claims). Applicants respectfully traverse the rejections. Claims 1-8, 12-19, 23-31, and 34-41 remain in the application. In light of the amendments and the following arguments Applicants respectfully request that this application be allowed.

In the Office Action, the Examiner rejects claim 1 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,732,165 B1 issued to Jennings, III (Jennings). To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). The **test for anticipation** is symmetrical to the test for infringement and has been stated as: “That which would literally infringe [a claim] if later in time anticipates if earlier than the date of invention.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *Connell v. Sears Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 1931, 1938 (Fed. Cir. 1983).

Claim 1 recites a client system that selects a MAC address, then monitors advertisements to see if another client is requesting the address and then sends an advertisement for the selected address if no other device is requesting the address. Jennings does not teach such a system. In particular, Jennings teaches a system for servers connected to a main server to receive a network address. Claim 1 on the other hand recites a system for a client to select a MAC address. These two addresses are

different. This is particularly pointed in step 419 of Figure 4 of Jennings in which the Mac address of the system is used to determine which server is to receive a particular network address. Thus, Jennings does not teach the system or method for selecting a MAC address for a system. Therefore, Applicant respectfully requests that the rejection of claim 1 be removed and claims 1 be allowed.

Claims 2-8 depend from claim 1. Thus, claims 2-8 are allowable for at least the same reasons as claim 1. Therefore, Applicants respectfully request that the rejections of claims 2-8 be removed and claims 2-8 be allowed.

Claim 12 recites a client system that performs the method of claim 1. Thus, claim 12 is allowable for at least the same reasons as claim 1. Therefore, Applicants respectfully request that the Examiner remove the rejection of claim 12 and allow claim 12.

Claims 13-19 depend from amended claim 12. Thus, claims 13-19 are allowable for at least the same reasons as claim 12. Therefore, Applicants respectfully request that the rejections of claims 13-19 be removed and claims 13-19 be allowed.

Claim 23 recites a client system that performs the method of claim 1. Thus, claim 23 is allowable for at least the same reasons as claim 1. Therefore, Applicants respectfully request that the Examiner remove the rejection of claim 23 and allow claim 23.

Claims 24-30 depend from claim 23. Thus, claims 24-30 are allowable for at least the same reasons as claim 23. Therefore, Applicants respectfully request that the rejections of claims 24-30 be removed and claims 24-30 be allowed.

Claim 34 recites client system software that performs the method of claim 1. Thus, claim 34 is allowable for at least the same reasons as claim 1. Therefore, Applicants respectfully request that the Examiner remove the rejection of claim 34 and allow claim 34.

Claims 35-41 depend from claim 34. Thus, claims 35-41 are allowable for at least the same reasons as claim 34. Therefore, Applicants respectfully request that the rejections of claims 35-41 be removed and claims 35-41 be allowed.

If the Examiner has any questions regarding this response or the application in general, the Examiner is invited to telephone the undersigned at 775-586-9500.

Respectfully submitted,
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